IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

W.P.(C). No. 31419 of 2007(M)

PETITIONER:
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1. **DONA K. THOMAS,**
   KOCHARACKAL, POTTENKAD P.O.,
   PIN-685 569, KUNCHITHANNY.

2. **BIBIN PUNNOOSE,**
   KARIYAPURAYIDOM HOUSE, POONJAR
   THEKKEKKARA P.O., KOTTAYAM-686 582.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
   DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM-1.

2. **THE COMMISSIONER FOR ENTRANCE**
   EXAMINATIONS, THIRUVANANTHAPURAM-695 001.

3. **THE MAHATMA GANDHI UNIVERSITY,**
   REPRESENTED BY ITS REGISTRAR, ATHIRAMPUZHA,
   KOTTAYAM-4.

BY ADV. SRI.M.R. SABU, GOVT. PLEADER
ADV. SRI. T.A. SHAJI, SC FOR MGU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 31419 OF 2007 M
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Dated this the 19th day of November, 2007

J U D G M E N T

The writ petition is filed praying for a direction to the 2nd respondent to publish the result of the Entrance Examination of the petitioners pursuant to the applications submitted by them on the basis of Ext.P1 prospectus.

2. In response to Ext.P1 prospectus, petitioners had applied for admission to B.Ed English and appeared for the entrance exam as well. However, their results have not been declared by the 2nd respondent and the reason disclosed in the counter affidavit is as extracted below:

> It is submitted that the petitioners have opted English as optional in item 20 of the application submitted by them. Under item 21 were the candidates were asked to specify their academic eligibility to apply for the optional subject by putting a / mark against the courses mentioned. The petitioners have marked their academic eligibility based on 'BA Degree'. As per Prospectus Clause 6.1.1., the final rank list for B.Ed course is prepared by giving weightage for the marks secured in the Entrance Examinations and the marks secured in the qualifying examinations in all parts together in the ratio 6:4. The petitioners are holding Bachelors Degree in Communicative English, which does not have Part II Additional language. Instead of Part II language, marks awarded to the petitioners for

> external evaluation and internal assessment are given under Paper II. As the petitioners did not study Part II language in Bachelors Degree this respondent was unable to determine the qualifying marks of the petitioners for including them in the rank list prepared by this respondent as explained above.

3. In my view, this reason now stated by the 2nd respondent to justify the withholding of the result cannot be accepted. Reason for my conclusion is that in the prospectus itself, among the categories eligible for admission, those having BA in Communicative English with 45% marks in the aggregate are also made eligible. If in terms of the prospectus, the petitioners are candidates eligible to seek admission for B.Ed English, it is totally impermissible for the 2nd respondent to deny them admission for whatever be the reason thereof. Therefore, withholding of the result in so far as the petitioners are concerned has to be held to be illegal and I do so.

Accordingly, I dispose of this writ petition directing that the result of the petitioners in the Entrance Examination for B.Ed English will be declared by the 2nd respondent and on the basis of

the ranking that is assigned to them, their claim for option and admission shall be considered. This the 2nd respondent shall do within three weeks from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE.

Rp